



56

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No. 4666 of 2007

PETITIONER

Smt. Savita Das Vaishnav, w/o Shri Rakesh Das Vaishnav, aged about 45 years, Occupation Service Inspector in Police Department & posted at Police station Mandir Hasod, District Raipur, r/o Mandir Hasod, District Raipur (C.G).

Versus

RESPONDENTS

- 1 The State of Chhattisgarh, through Secretary, Ministry of Home Affairs, D.K.S. Bhawan, Raipur, District Raipur (C.G).
- 2 The Inspector General of Police, Chhattisgarh Police Headquarters, Raipur (C.G).
3. Deputy Inspector General of Police-cum-Senior Superintendent of Police, Raipur, District Raipur (C.G).
4. Shashi Mohan Singh, City Superintendent of Police, Raipur, Distt. Raipur (C.G).
5. Brij Bhushan Tandon, s/o Mehtar Tandon, aged about 30 years, r/o Dr. Rajendra Nagar, near Rawan Putla, Raipur, Distt. Raipur (C.G).
6. Sanjay D.D., M.L.A., Arang, Distt. Raipur, R/o Arang, Distt. Raipur (C.G).

**WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA**

Appearance:

Shri Awadh Tripathi, Counsel for the petitioner.

Shri Sumit Verma, Panel Lawyer, for the State/
respondents 1 to 4 on advance copy.

**ORAL ORDER
(12.12.2007)**

SUNIL KUMAR SINHA, J

Heard on admission.

The petitioner, who is working on the post of Police Inspector, has filed this writ petition for quashing the preliminary enquiry report dated 22.12.2006 Annexure P-8 and Charge sheet dated 13.2.2007 (Annexure P-9) as also the order dated 12.7.2007 (Annexure P-11).



In a nutshell, the petition has been filed for quashment of the charge sheet and the departmental enquiry proceedings pending against her vide Annexure P-9 and Annexure P-11. Learned counsel for the petitioner argues that the departmental enquiry has been initiated on false and fabricated grounds and the same has been initiated at the instance of a local M.L.A. He submits that the petitioner has never committed any such acts which are mentioned in the charge sheet Annexure P-9 and on the false allegations; the charge sheet has been served upon the petitioner.

I have heard learned counsel for the petitioner at length and have also perused the contents of the writ petition and the documents filed alongwith it.

A perusal of the Annexure P-9 (Charge sheet) would show that while the petitioner was on duty and was handling the vehicles under the provisions of Motor Vehicles Act, she had some altercation with one Brij Bhushan Tandon. The allegations are that she misbehaved with the said person who was a driver of Minidor Vehicle and that she also misbehaved with a local M.L.A., when he went to the police station regarding the said case.

Learned counsel for the petitioner submits that these allegations are false and baseless.

In the matter of ***Union of India and others -vs- Upendra Singh (1994) 3 SCC 357***, the Apex Court has held vide para 6 that in the case of charges framed in a disciplinary inquiry the tribunal or court can interfere only if on the charges framed (read with imputation or particulars of the charges, if any) no misconduct or other irregularity alleged can be said to have been made out or the charges framed are contrary to any law. At this stage, the tribunal has no jurisdiction to go into the correctness or truth of the charges. The tribunal cannot takeover the functions of the disciplinary authority. The truth or otherwise of the charges is a matter for the disciplinary authority to go into. Indeed, even after the conclusion of the disciplinary proceedings, if the matter comes to court or tribunal, they have no jurisdiction to look into the truth of the charges or into the correctness of the findings recorded by the

disciplinary authority or the appellate authority as the case may be.

Since the factual aspects are involved in this case, it would be difficult for the writ Court to go into the merits of charges, at this stage, particularly with reference to their correctness etc., even before the completion of the departmental enquiry. In fact, the allegations raised against the petitioner and the grounds taken by her are to be decided in the departmental enquiry and a finding has to be recorded by the Enquiry Officer. Therefore, I do not find any reason to interfere with the charge sheet or departmental enquiry, at this stage.

The petition deserves to be dismissed and accordingly, it is dismissed at the motion stage itself.

Sd/-
Sunil Kumar Sinha
Judge

/Rao/